

Kempthorne	Nunn	Smith
Kyl	Pressler	Snowe
Lott	Reid	Specter
Lugar	Rockefeller	Stevens
Mack	Roth	Thomas
McCain	Santorum	Thompson
Murkowski	Shelby	Thurmond
Nickles	Simpson	Warner

NAYS—36

Akaka	Feingold	Lieberman
Bennett	Glenn	McConnell
Biden	Harkin	Mikulski
Bingaman	Inouye	Moseley-Braun
Boxer	Jeffords	Moynihan
Bradley	Kennedy	Murray
Bumpers	Kerrey	Pell
Chafee	Kerry	Pryor
Conrad	Kohl	Robb
Daschle	Lautenberg	Sarbanes
Dodd	Leahy	Simon
Dorgan	Levin	Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 36. Two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator will wait until we get order.

UNANIMOUS-CONSENT REQUEST

Mr. MCCAIN. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged of further consideration of H.R. 2606 with reference to the use of funds for troops in Bosnia and the Senate then turn to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, I would like to make known the wishes of the majority leader.

Mr. NUNN. Reserving the right to object.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

FLAG DESECRATION
CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, while they are resolving this difficulty, let me say a few words about the flag amendment. I ask unanimous consent I be given a few minutes to say a few words about the flag amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will suspend until we get the attention of the Senate. I ask that conversations be removed to the Cloakroom.

The Senator from Utah.

Mr. HATCH. Mr. President, I am, of course, disappointed by the outcome. But I predicted at the beginning unless we got three more Democrats, we were not going to be able to prevail, and we could not do that.

I respect the decision of the Senate. I congratulate those on the other side of the issue.

In particular, I congratulate the most important leader of the opposition. Of course, that is President Clinton. President Clinton won this battle. The American people, in my opinion, lost. The President's strong, uncompromising opposition to any amendment protecting the flag whatsoever, expressed on June 6, in testimony before the Constitutional Subcommittee, was too much for the Citizens Flag Alliance and those of us here to overcome.

Had the President supported this amendment, I have no doubt, we would have prevailed. I do not think there is any question about it. So I congratulate the President on this victory.

I assure my colleagues, this amendment is not going to go away. It is a simple amendment. It is a constitutional amendment. It is written in good constitutional form. Frankly, it is not going to go away. The American people are not going to allow it. We will debate it in the next Congress. I hope we have some changes that will enable us to pass it at that time.

I want to particularly thank Senator HEFLIN and Senator FEINSTEIN for their efforts.

I also thank chief counsel Winston Lett, counsel Jim Whiddon, and a former Heflin staffer who worked very hard on this, Gregg Butrus, now at the Notre Dame Law School. I also want to express appreciation to Senator FEINSTEIN and her counsel, Jamie Grodsky.

On my staff, I want to thank John Yoo, Steven Schlesinger, Jasen Adams, and Mark Disler. These people worked long and hard, very sincerely, on this amendment.

This has been not only an important debate but an interesting debate. I think both sides have had a full and fair opportunity to explain their side. I am sorry we lost. On the other hand, we have done the best we can under the circumstances.

Unless there is a change in the U.S. Senate, I do not believe we are going to be able to pass this amendment with the current Senate, so we are hoping in the next Congress we will have enough votes to pass it. Be that as it may, it is going to come up again, whether we do or do not, and we are going to keep bringing it up until we pass it and protect the Nation's national symbol.

I have to say, anybody who really argues this is a denigration of the first amendment just plain does not understand constitutional law, does not understand the more than 21 cases where we have limited the first amendment, and does not understand that this is, full and simple and very plain, to prevent conduct that is offensive to the flag, offensive to the country, and offensive to almost every citizen, and, frankly, the way they have spoken, to every Senator in the U.S. Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I want to take occasion to pay tribute to my senior colleague, Senator HATCH, for

his leadership on this debate on the flag amendment. My one regret in this whole debate has been that some people in the State of Utah have characterized this as an issue that has divided Senator HATCH and me and tried to force us into picking sides.

I did, indeed, vote against the amendment. It was a close vote. These votes are always close matters. My reasoning is that the Constitution of the United States is our basic law and, as such, should be held inviolate from legislative activities.

I realize this was enabling legislation, but I have the fear that, if we start the precedent of amending the Constitution every time there is a Supreme Court decision with which we disagree, we run the risk of seeing the Constitution turned into something other than basic law.

Coming out of a political science background and a lifetime of studying the Constitution, that is where I came down on this particular issue. But I want to make it very clear that I am not backing down from my admiration for and respect for my senior colleague and his scholarship and his leadership.

I hope the people of Utah will understand that this has been an intellectual disagreement between us, and not an emotional disagreement between us. We spent many hours with each other—each trying to understand the other's point of view. I am sure Senator HATCH understands and respects my point of view, as I certainly understand and respect his.

So I hope the people of Utah will understand that this is not something that has driven a wedge between their two Senators.

While I am on the floor, I would like to read into the RECORD just one letter that I have received that I think is illustrative of the way this debate has gone in the State of Utah. The proponents of the amendment have been mounting an advertising campaign in Utah putting up television ads urging the people of our State to contact, write, fax, or phone Senator BENNETT and urge that he vote in favor of this amendment. That, of course, is their appropriate constitutional right. I received this letter in response to that campaign. I would like to read it into the RECORD. It is addressed to the Office of Senator BENNETT regarding the flag burning amendment.

DEAR SENATOR BENNETT: I read the article in this morning's Salt Lake Tribune indicating that your position on the flag burning amendment differs from that of Senator HATCH. I also saw the commercial obviously put on by supporters of the amendment urging that I write you about this issue. I commend you for your independent and thoughtful position as indicated in the Tribune article.

I am a West Point graduate and served with the 3rd Armored Division in Germany and the 5th Special Forces group in Vietnam. I am not in favor of flag burning. But I really don't think we need a constitutional amendment about flag burning. I am strongly convinced that the constitutional provisions

should be reserved for only the most important governmental issues, and flag burning just is not such an issue.

I was offended to realize that the television commercial I saw this morning flashed the scene of book burning and a scene of flag burning as if they were the same thing. By my sense of history they are opposite. Book burning denotes the suppression of ideas by government. Flag burning involves the offensive and distasteful expression of protest against government. Nigeria does not tolerate that. But I hope America always will.

I commend you for your courage in taking the position which I suppose is probably contrary to what the opinion polls would tell you to do. Sounds like political courage to me. Wish there were more of us in Washington.

Very truly yours.

It is signed by Chris Wangsgard. I did not know Mr. Wangsgard before he responded to the commercial by sending me this letter.

I can report that a majority of the calls that I have received in response to the commercial have been in support of the position that I have taken. I am grateful to Mr. Wangsgard and those who have so responded.

But I conclude, again as I began, Mr. President, with a sincere statement of respect and admiration for my senior colleague and an assurance to everyone in the State of Utah that, whereas we differ intellectually on this issue, I do not know of two Senators who have worked together better to represent their home State than Senator HATCH and I. I know no senior colleague who has been more supportive or more helpful to his newcomer in the Senate than Senator HATCH has been.

I want, now that the issue is over and settled, to take the opportunity to make sure the people of Utah understand the high regard that I hold for Senator HATCH and the highest esteem that I hold for his scholarship and his leadership.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will only take a few moments.

I want to thank my colleague for his wonderful remarks. They mean a lot to me, and I have an equally strong feeling toward him and realize that he did this as a matter of principle and conscience. And I could never find fault with people who do that. I naturally differ with him on this particular issue, and I am sure we will have some differences in the future. But by and large we support each other, support our State together in a very, very good way, and I am very proud to serve with him. And I appreciate his service here. He is one of the more articulate, intelligent and hard-working people in this body. I personally feel honored to have him as a partner as we work together in the best interest of Utah and this Nation.

So I want to thank him for his kind remarks here today.

A VOTE CAST TO PROTECT OUR FLAG

Mr. DORGAN. Mr. President, earlier today, I voted to protect the American flag from desecration. In doing so, I chose a statute rather than a constitutional amendment to achieve this important objective.

For me and for most Americans, our Nation's flag is a symbol of the principles and values which hold this country together. We are appalled and deeply offended when someone burns or in some way destroys this national emblem of freedom and justice.

Brave men and women have given their lives to protect the flag, to preserve as well the freedom and democracy for which it stands. We owe it to those soldiers to keep our flag from desecration. And we owe them our solemn pledge to protect the Bill of Rights given to us by history's greatest guardian of American liberty: Thomas Jefferson.

But in defending our flag, we should not alter the Bill of Rights, and we should not tinker with language of our Constitution, if a simple, direct law can get the job done.

I cosponsored and cast my vote for just such a law. It protects our flag by punishing those who damage or destroy it. Flag desecration, like shouting fire in a crowded theater, would not be protected by the first amendment. This law passes every constitutional test, according to scholars at the Congressional Research Service.

Protecting America's cherished Constitution and Bill of Rights is every bit as important as protecting our beloved flag. We must do both, and take care not to jeopardize one while seeking to protect the other.

It is a delicate balance, and I believe the bill for which I voted, achieves that important and critical balance.

NATIONAL DRUG POLICY

Mr. HATCH. Mr. President, I would to announce that the Office of National Drug Control Policy has just confirmed that Director Brown will make an announcement at 4:15 today regarding his future career plans. It has been widely reported that he will take a sociology professorship at Rice University in Houston. I wish him well. He is a very fine man.

He was a good selection for this position. I believe he has given his heart and soul to it to the extent that he could. He has done a credible job. But I have to say the administration has barely paid any attention to him and his efforts on this issue.

Unfortunately, under this administration drug control policy is in utter disarray. The number of 12- to 17-year-olds using marijuana has increased from 1.6 million in 1992 to 2.2 million in 1994. The category of "recent marijuana use" increased a staggering 200 percent among 14- and 15-year-olds over the same period. One in three high school seniors now smokes marijuana.

I have to say the President has stood up and condemned smoking cigarettes but has not condemned smoking marijuana.

One in three high school students now smoke marijuana. There has been a 53-percent drop in our ability to interdict and push back drug shipments in the transit zone between 1993 and 1995. Drug purity is way up, street prices are down, and the number of drug-related emergency room admissions is at record levels.

Federal law enforcement is under a very severe strain, and at the very time that the technical sophistication of the Cali Mafia is reaching new heights. Frankly, of those one in three high school students that are using marijuana, 30 percent of those who do it will try cocaine in the future of their lives. That is just a matter of fact. It is a statistic we know. And this has gone up so dramatically fast that I am really concerned about it.

The Gallup Poll as released today showed that 94 percent of Americans view illegal drug use as either a crisis or a very serious problem. These people are right. We simply need to do better.

As a start, I urge President Clinton to appoint a replacement director at the earliest possible date. It is vital to our Nation's effectiveness against drugs that we have a coordinated strategy against drug abuse in our executive branch of Government. Almost 3 years into the administration no nominee has been forwarded to the Senate for the purpose of ONDCP Deputy Director for Supply Reduction—in 3 years. This position should be filled immediately as well.

I believe that whoever is appointed ought to use that bully pulpit to let the American people know that we have had it up to here with drug abuse in our country, with this cancer that has been eating away at our children, and which, naturally because of the permissiveness of our society, is resulting in more and more drug use. We have to do something about it.

I wish Director Brown, Lee Brown, well. I like him personally. I know how frustrating it must have been. The first thing they did when he took over the Office of National Drug Control Policy was to cut his staff almost completely. Frankly, it is hard to do this job without the backing of the President of the United States. I really do not believe this administration has backed him in the way that they should have backed him. Despite that, he has done the best he could.

I personally want to acknowledge that on the floor. I want to pay my respects to him. I have admiration for him. I think his heart was always in the right place, and I think he did the best he could under the circumstances.

I just hope in these next few years—especially this next year—we do something about this, that we replace him and get a deputy for the next Director as soon as we can, and that we start fighting this issue with everything we have.